

REMARKS

In the Office Action, claims 1, 5 and 39-47 were rejected. The rejection is respectfully traversed, and claims 1, 5 and 39-47 remain pending in the present application. Applicants earnestly request reconsideration and withdrawal of the rejection as set forth below.

Claims 1, 5 and 39-47 were rejected under 35 USC 102(e) as anticipated by the Besselink reference, US Patent No.: 6,488,702. This rejection is believed inappropriate and respectfully traversed.

The Besselink reference describes medical devices sized for insertion into the human body. The primary device is a tubular device in the form of a stent that is inserted into a patient's body. The stent is initially inserted in a collapsed condition and later expanded proximate the desired tissue location. Throughout the figures and description of the Besselink reference, the tubular device is repeatedly described as a device inserted into a patient's body. Nowhere does the reference describe or suggest structure that could be utilized in forming a well device, as recited in pending independent claims 1 and 43 (as well as dependent claims 5, 39-42 and 44-47) of the present application.

In the Office Action, the Examiner asserted that the expandable stent could be used in a wellbore and that some oil wellbores "have extremely small diameters." However, equating a tissue vessel in a human body with a well bore for the production of oil simply is not a legitimate comparison and grossly moves beyond the disclosure and teachings of the Besselink reference.

It is further respectfully submitted that the Besselink reference fails to disclose or teach numerous elements of the dependent claims. With respect to dependent claims 39 and 47, for example, the Examiner asserts the Besselink reference, at column 5, lines 44-48, discloses applying an expanding force to a wall in a manner that anticipates claims 39 and 47. However,

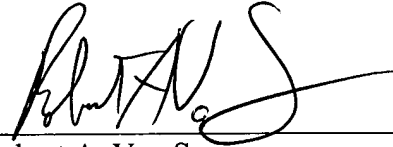
the subject passage merely describes radially expanding a stent within a patient. The passage cited, and the reference as a whole, fails to disclose elements of the subject claims, e.g. an expandable tubular "sized to exert an external radial force on a well bore surface" as recited in claim 39, or a tubular member "sized to support an open hole formation in the well" as recited in claim 47. The reference relied on by the Examiner simply does not disclose these elements and cannot be used to support a rejection under 35 USC 102(e).

Another example of the Besselink reference failing to properly support a rejection based on 35 USC 102(e) is provided with respect to the assertions regarding claims 41, 42 and 44. In the Office Action, the Examiner stated the Besselink reference discloses one or more expansion rings (324 or 328) that are capable of use as well bore liners and capable of blocking sand, thus anticipating the subject claims. However, rings 324 and 328 (discussed in column 10 and illustrated in Figure 15) are actually described as rings for joining bodily vessels, i.e. tissue, to an implanted stent. Such disclosure does not anticipate a well device having an expansion member that comprises "a well bore liner" as recited in claim 41, or a well device having a tubular member comprising "an expandable sand screen" as recited in claims 42 and 44. The Besselink reference simply cannot be used to support the rejection under 35 USC 102(e).

The discussion above provides just a few examples of the inadequacy of the cited reference with respect to the rejection of the the pending claims. Therefore, it is respectfully submitted the rejection of all pending claims should be withdrawn.

In view of the foregoing remarks, the pending claims are believed to be in condition for allowance. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robert A. Van Someren', written over a horizontal line.

Robert A. Van Someren
Reg. No. 36,038

Date: January 21, 2005

PO Box 2107
Cypress, TX 77410-2107
Voice: (281) 373-4369